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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,489	08/09/2001	Masaki Ishii	212465US2	2605
22850	7590	11/18/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			TRUONG, CAMQUY	
			ART UNIT	PAPER NUMBER
			2127	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/924,489	ISHII ET AL.	
	Examiner Camquy Truong	Art Unit 2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/9/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-18 are presented for examination.

2. It is noted that although the present application does contain line numbers in the specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 5-6, 11-12 and 17-18 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. The following terms lack proper antecedent basis:
 - i. The rear section– claims 5, 11 and 17;
 - ii. The front section – claims 5, 11 and 17;

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watakabe et al. (U.S. 6,662,204 B2) in view of Applicant Admitted Prior Art (AAPA).

6. As to claims 1, 7 and 13, Watakabe teaches the invention substantially as claimed including: a plurality of tasks (col. 1, lines 64-65; col. 3, lines 42-45), the apparatus comprising:

An asynchronous factor tester testing whether or not task operations arranged in time series in each section are affected by asynchronously occurring factor (col. 2, lines 11-17; col. 3, lines 63-67; col. 4, lines 27-30; col. 5, lines 7-8).

7. Watakabe does not explicitly teach a real-time system. However AAPA teaches the real-time system (page 1, lines 23-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching the Watakabe and AAPA because AAPA's real-time system would provide a better way to realize system behavioral consistency and synchronous task to task.

8. As to claims 4, 10 and 16, they are rejected for the same reason as claims 1, 7 and 13. In addition, Watakabe teaches:

A connector connecting sections each containing a series of task that are not affected by asynchronously occurring factors, to one another (col. 3, lines 56-59); and

A tester-testing if the connected sections operate consistently (col.2, lines 11-17; col. 3, lines 63-67; col. 4, lines 27-30; col. 5, lines 7-8).

9. As to claims 2, 8 and 14, Watakabe teaches:

A parameter extractor extracting the asynchronously occurring factor of each section (col.4, lines 1-9);

A branch tester testing whether or not the asynchronously occurring factor occurs branching of the each section (col.2, lines 11-17; col. 3, lines 63-67; col. 4, lines 27-30; col. 5, lines 7-8).

10. As to claims 3, 9 and 15, Watakabe teaches the asynchronously occurring factor includes interrupt and timeout process (col. 2, lines 13-16; col. 3, lines 13-18 and lines 32-35).

11. As to claims 5, 11 and 17, Watakabe teach:

A reader reading a task start state of the rear section and a task end state of the front section (col. 3, lines 34-36; col.5, lines 9-11);

A comparator comparing the task start state of the rear section with corresponding the task end state of the front section (col.4, lines 8-14 and lines 32-35); and

A determination device determining whether or not the task start state of the rear section agree with the task end state of the front section (col. 5, lines 12-34).

12. As to claims 6, 12 and 18, Watakabe teaches the task state includes Dormant, Wait, and Ready and run (col. 2, lines 29-35).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you

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have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

September 27, 2004

Meng-Ai T. An
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SUPERVISORY PATENT EXAMINER
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